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3725

Attorney Docket No. 2-5169-024  
**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark R. STELTER et al

Ser. No. 10/001,509

Filed: October 31, 2001

GAU: 3725

For: BRUSH CHIPPER AND METHODS  
OF OPERATING SAME

Examiner: Mark ROSENBAUM

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Mail Stop Petition  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being  
delivered with the United States Patent and Trademark  
Office mail in an envelope addressed to the  
Commissioner of Patents and Trademarks,  
D.C. 20231, on August 17, 2004  
Deborah M. Gatto

Dear Sir:

Applicants herein respectfully request the Notice of Abandonment dated August 9, 2004  
for the above identified application be withdrawn for the following reasons:

1. An Office Action for this case was received by Applicants' attorneys on  
November 29, 2003. The Office Action was mailed from the U.S. Patent and Trademark Office  
on November 26, 2003.
2. On December 4, 2003, an Amendment and Claims As Filed Letter, both showing  
a Certificate of Mailing stamp, and duly executed, with our self-addressed, stamped postcard,  
was sent to the U.S. Patent and Trademark Office in response to the Office Action. A copy of  
these documents are attached, including the postcard that is date-stamped by the OIPE and also

shows that it was mailed from the U.S. Patent and Trademark Office on December 10, 2003, to be returned to our office. It was received in our Office on December 13, 2003.


The Commissioner is hereby authorized to charge our Deposit Account No. 08-1650 in the amount of \$130 for the filing fee for this Petition, **if needed**. However, the Applicant does not believe it should have to pay this fee, since the response was timely-filed. The Commissioner is also authorized to charge any additional filing fees for this Petition to this deposit account, in the name of STURM & FIX LLP.

It is respectfully submitted that the above information shows that the instant application should not have been abandoned. It is respectfully requested, therefore, that this Petition to Withdraw the Holding of Abandonment be granted, and that the Commissioner accept the enclosed response and payment of the appropriate fee.

Respectfully submitted,

Mark R. STELTER et al

August 17, 2004

By:   
Michael O. Sturm  
Reg. No. 26,078

STURM & FIX LLP  
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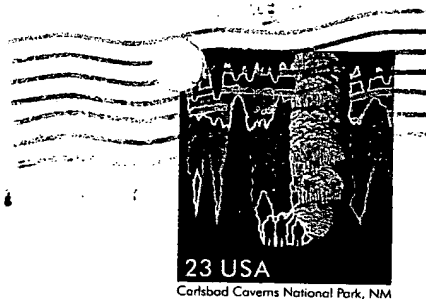
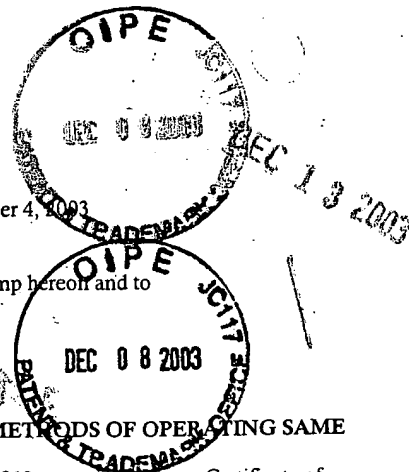


MOS/dmp December 4, 2003  
Attorney Docket No. 2-5169-024

Please place the Patent Office receiptstamp hereon and to  
acknowledge the receipt for entry of:

Inventors: Mark R. STELTER et al  
Ser. No. 10/001,509  
Filed: October 31, 2001  
Entitled: BRUSH CHIPPER AND METHODS OF OPERATING SAME

- ✓ AMENDMENT consisting of 13 pages, including a Certificate of  
Mailing stamped on the first page thereof;
- ✓ CLAIMS AS AMENDED LETTER - 1 page, showing no additional  
claim fee being.



**STURM & FIX LLP**  
206 Sixth Avenue - Suite 1213  
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MOS/dmp December 4, 2003  
Attorney Docket No. 2-5169-024

Please place the Patent Office receipt stamp hereon and to  
acknowledge the receipt for entry of:

**Inventors:** Mark R. STELTER et al

**Ser. No.** 10/001,509

**Filed:** October 31, 2001

**Entitled:** BRUSH CHIPPER AND METHODS OF OPERATING SAME

- ✓ AMENDMENT consisting of 13 pages, including a Certificate of  
Mailing stamped on the first page thereof;
- ✓ CLAIMS AS AMENDED LETTER - 1 page, showing no additional  
claim fee being.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark R. STELTER, et al

Serial No.: 10/001,509

Filed: October 31, 2001

For: **BRUSH CHIPPER AND METHODS  
OF OPERATING SAME**

Group Art Unit: 3725

Examiner: Mark ROSENBAUM

**BOX FEE AMENDMENT**Assistant Commissioner for Patents  
Washington, D. C. 20231

Transmitted herewith is an amendment for this application.

2. Applicant is

☐ a small entity - verified statement:☐ attached  
already filed.☒ other than a small entity.☒ No additional fee for claims is required.

The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

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delivered with the United States Postal Service as  
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Michael O. Sturm

COL. 1		COL. 2		COL. 3	SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit Fee		Rate	Addit Fee
Total	32*	Minus	44**	0	x	\$ 9		\$18	\$0
Independent	4*	Minus	16***	0	x	\$42		\$84	\$42
<input type="checkbox"/> First presentation of Multiple Dep. Claim					x	\$135		\$270	\$0
					TOTAL	\$0.	OR	TOTAL	\$42

\* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

☐ Charge Account No. 08-1650 the sum of \$ \_\_\_\_\_. A duplicate of this transmittal is attached.☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 08-1650.☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.☐ Any patent application processing fees under 37 CFR 1.17.

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December 4, 2003  
Date



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OF OPERATING SAME

Examiner: Mark ROSENBAUM

**AMENDMENT**

Mail Stop Non-Fee Amendment  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated November 26, 2003, please enter the following  
Amendment.

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as  
mailing in accordance with 37 CFR 1.51(b)  
and 37 CFR 1.52(b) and 37 CFR 1.53(b)  
on December 4, 2003

Richard M. Potts



## AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A brush chipper comprising:

a frame;

cutting members for cutting tree branches operatively attached to said frame;

~~at least one~~ a rotary member operably mounted to said frame for rotating in one direction to pull said tree branches and deliver said branches to said cutting members thereby cutting the branches into smaller pieces;

a feed table operably attached to said frame for supporting said branches and guiding said branches toward said rotary member, said feed table having a front end and a rear end, said front end being adjacent to said rotary member;

a lower feed stop member operatively attached to the front end of said feed table, said lower feed stop member having a forward position, an intermediate position and a rearward position; and

a shut off mechanism operatively attached to said feed table and to said lower feed stop member for shutting off the rotation of the rotary member when said lower feed stop member moves from said rearward position to a predetermined one of said forward position or said intermediate position, whereby when said lower feed stop member moves to said predetermined position, the shut off mechanism will stop the rotary member.

2. (Original) The brush chipper of claim 1 wherein said predetermined position of said lower feed stop member is adjustable to shut off said rotary member when said lower feed stop member is in said forward position or said intermediate position.

3. (Original) The brush chipper of claim 1 wherein said predetermined position of said lower feed stop member is adjustable to a position between said forward and rearward position.

4. (Original) The brush chipper of claims 2 wherein said feed table is pivotally attached to said frame for selective movement between a transport position and an operative position and including means for automatically resetting said predetermined position of said lower feed stop member to said intermediate position thereof whenever said feed chute is pivoted to said transport position.

5. (Original) The brush chipper of claims 2 including means for automatically resetting said predetermined setting of said lower feed stop member to said intermediate position whenever the brush chipper is shut off and then turned back on.

6. (Original) The brush chipper of claim 1 including a latching means for selectively holding said feed table in said transport position thereof, said latching means having a latching position and an unlatching position.



7. (Original) The brush chipper of claim 6 including means for automatically resetting said predetermined position of said lower feed stop member to said intermediate position whenever said latching means is moved to said unlatching position.

8. (Original) The brush chipper of claim 2 wherein said predetermined position is set to default to normal sensitivity which corresponds to the intermediate position of the lower feed stop member and a switch is operably attached thereto for permitting the predetermined position to be changed to a reduced sensitivity corresponding to the forward position thereof.

9. (Original) The brush chipper of claim 1 including an upper feed control member for also controlling the rotary feed member, said upper feed control bar having a stop position for stopping the rotary feed member, a forward position for causing forward feed of the rotary feed member by rotation in one direction, a neutral position and a reverse position for causing the rotary feed member to rotate in a direction reverse of said one direction.

10. (Original) The brush chipper of claim 1 wherein said intermediate position is normal sensitivity and the rearward position is reduced sensitivity and an indicator is provided for indicating when operating at reduced sensitivity.

11. (Original) The brush chipper of claim 10 wherein said indicator is a light.

12. (Currently Amended) A method of operating a brush chipper of a type comprising:

- a frame;
- cutting members for cutting tree branches operatively attached to said frame;
- ~~at least one~~ a rotary member operably mounted to said frame for rotating in one direction to pull said tree branches and deliver said branches to said cutting members thereby cutting the branches into smaller pieces;
- a feed table operably attached to said frame for supporting said branches and guiding said branches toward said rotary member, said feed table having a front end and a rear end, said front end being adjacent to said rotary member;
- a lower feed stop member operatively attached to the front end of said feed table, said lower feed stop member having a forward position, an intermediate position and a rearward position;
- a shut off mechanism operatively attached to said feed table and to said lower feed stop member for shutting off the rotation of the rotary member when said lower feed stop member moves from said rearward position to a predetermined one of said forward position or said intermediate position, whereby when said lower feed stop member moves to said predetermined position, the shut off mechanism will stop the rotary member; and
- wherein said predetermined position of said lower feed stop member is adjustable to shut off said rotary member when said lower feed stop member is in said forward position for reduced sensitivity or said intermediate position for normal sensitivity, said method comprising:
  - operating said brush chipper at normal sensitivity; and
  - if the lower feed stop bar is actuated too often during normal feeding operation, selecting

a reduced sensitivity mode; and

operating said brush chipper at said reduced sensitivity of the lower feed stop member.

13. (Currently Amended) A brush chipper comprising:

a frame;

cutting members for cutting tree branches operatively attached to said frame;

~~at least one~~ a rotary feed member operably mounted to said frame for rotating in one direction to pull said tree branches and deliver said branches to said cutting members for cutting the branches into smaller pieces;

a feed table operably attached to said frame for supporting said branches and guiding said branches toward said rotary member, said feed table having a front end and a rear end, said front end being adjacent to said rotary feed member; and

an upper feed control member for controlling the rotary feed member, said upper feed control bar having a stop position for stopping the rotary feed member, a forward feed position for causing forward feed of the rotary feed member by rotation in one direction, a neutral position and a reverse position for causing the rotary feed member to rotate in a direction reverse of said one direction.

14. (Original) The brush chipper of claim 13 including wherein once said rotary feed member stops, means is provided for preventing said rotary feed member from rotating to cause forward feed until said upper feed control member is moved to said reverse position thereof and then moved back to said forward position thereof.

15. (Original) The brush chipper of claim 13 wherein a lower feed stop member is operatively attached to the front end of said feed table, said lower feed stop member having a forward position, an intermediate position and a rearward position.

16. (Original) The brush chipper of claim 13 including:

- a forward feed switch operatively attached to said frame and to a circuit for causing the rotary feed member to rotate in a forward feed direction under certain circumstances when the forward feed switch is activated;
- a stop switch operatively attached to said frame and to a circuit for shutting off the rotary feed member when said stop switch is activated and permitting said rotary feed member to rotate under other circumstances when said stop switch is not activated;
- a reverse switch operatively attached to said frame and to a circuit for reversing the direction of the rotary feed member under certain circumstances when the reverse switch is activated; and
- means for permitting an operator to activate only one of said switches at any one time.

17. (Original) The brush chipper of claim 13 including:

a forward feed switch operatively attached to said frame and to a circuit for causing the rotary feed member to rotate in a forward feed direction under certain circumstances when the forward feed switch is activated;

a stop switch operatively attached to said frame and to a circuit for shutting off the rotary feed member when said stop switch is activated and permitting said rotary feed member to rotate under other circumstances when said stop switch is not activated;

a reverse switch operatively attached to said frame and to a circuit for reversing the direction of the rotary feed member under certain circumstances when the reverse switch is activated; and

a cam operatively associated with said switches for permitting an operator to activate only one of said switches at any one time.

18. (Original) The brush chipper of claim 17 wherein said cam is operatively pivotally attached to said frame and has a raised portion on a raised portion side of the cam, said raised portion being for mutually exclusive depressing contact with each one of said switches at predetermined positions of said cam, whereby contact of the raised portion of the cam with any one of said switches causes said contacted switch to be activated.

19. (Original) The brush chipper of claim 18 wherein said cam has a first and a second depression one side thereof opposite to said raised portion side thereof and a follower biased into contact with said one side thereof, said forward feed position of said cam corresponding to the position when said follower is disposed in said first depression and the forward feed switch is in contact with said raised portion of the cam.

20. (Original) The brush chipper of claim 19 wherein said neutral position corresponds to the position when said follower is in said second depression thereof and none of said switches are in contact with said raised portion of the cam.

21. (Original) The brush chipper of claim 20 wherein said stop position corresponds to the position when said follower is on the other side of said first depression from the second depression and said stop switch is in contact with said raised portion of the cam.

22. (Original) The brush chipper of claim 21 wherein said reverse position corresponds to the position when said follower is on the opposite side of the second depression of the cam from the first depression and said reverse switch is in contact with said raised portion of the cam.

23. (Original) The brush chipper of claim 22 wherein a linkage is operatively attached to said upper feed control member and said cam.

24. (Original) The brush chipper of claim 23 wherein said follower includes a roller for following an edge surface of said one side of the cam whereby the first depression operates as a detent to serve as indications to the operator that the feed control member is in the forward feed position.

25. (Original) The brush chipper of claim 23 wherein said follower whereby the second depression operates as a detent for receiving the roller to serve as an indication to the operator that the feed control member is in the neutral position.

26. (Original) The brush chipper of claim 25 including means requiring the operator to maintain force on the feed control member to keep the feed control member in the stop position.

27. (Original) The brush chipper of claim 25 including means requiring the operator to maintain force on the feed control member to keep the feed control member in the reverse position.

28. (Currently Amended) A brush chipper comprising:  
a frame;  
cutting members for cutting tree branches operatively attached to said frame;  
~~at least one a~~ rotary feed member operably mounted to said frame for rotating in one direction to pull said tree branches and deliver said branches to said cutting members for cutting the branches into smaller pieces;

an engine operatively attached to said frame and to said cutter members for rotating said cutting members;

a feed table operably attached to said frame for supporting said branches and guiding said branches toward said rotary member, said feed table having a front end and a rear end, said front end being adjacent to said rotary member;

an upper feed control member for controlling the rotary feed member, said upper feed control bar having a stop position for stopping the rotary feed member, a forward feed position for causing forward feed of the rotary feed member by rotation in one direction, a neutral position and a reverse position for causing the rotary feed member to rotate in a direction reverse of said one direction;

a lower feed stop member operatively attached to the front end of said feed table, said lower feed stop member having a forward position, an intermediate position and a rearward position; and

a shut off mechanism operatively attached to said feed table and to said lower feed stop member for shutting off the rotation of the rotary member when said lower feed stop member moves from said rearward position to a predetermined one of said forward position or said intermediate position, whereby when said lower feed stop member moves to said predetermined position, the shut off mechanism will stop the rotary member.

29. (Original) The brush chipper of claim 28 further comprising a circuit including:

a stop switch operatively attached to said feed roller and to said upper feed control bar;



a forward feed switch operatively attached to said feed roller and to said upper feed control bar;

a reverse feed switch operatively attached to said feed roller and to said upper feed control bar;

a normal sensitivity switch operatively attached feed roller and to said lower feed stop bar for stopping the feed roller when the lower feed stop bar is in the reverse position; and

a reduced sensitivity switch operatively attached feed roller and to said lower feed stop bar for stopping the feed roller when the lower feed stop bar is in the intermediate position.

30. (Original) The brush chipper of claim 29 including means for activating said stop switch and thereby preventing said feed rollers from moving before resetting by predetermined events other than movement of said top feed control bar and lower feed stop bar.

31. (Original) The brush chipper of claim 30 wherein said stop switch activating means comprises means for activating said stop switch when a key to said circuit is turned off and then on.

32. (Original) The brush chipper of claim 29 further comprising an engine speed sensor for sensing the speed of rotation of said engine.

Claims 33-44 (Please cancel claims 33-44 without prejudice.

REMARKS

Claims 1-32 have been rejected under 35 U.S.C. § 112, second paragraph asserting that all of these claims are indefinite because in claims 1, 12, 13 and 28 "the rotary member" has no proper antecedent because there may be more than one rotary member.

Accordingly, claims 1, 12, 13 and 28 have been amended to change "at least one rotary member" to "a rotary member". The other claims, 2-11, 14-27 and 29-32, have been reviewed to see if similar changes are needed and no such need was found.

Withdrawn claims 33-44 have been cancelled without prejudice.

Since claims 1-32 were indicated as being allowable except for the above identified rejection and such rejection has been obviated, an indication that this application is in condition for allowance is earnestly solicited.

Respectfully submitted,

Mark R. STELTER et al

December 4, 2003  
Date

By: Michael O. Sturm  
Michael O. Sturm  
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